

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re Application of KARAM SALAH AL DIN  
AWNI AL SADEQ for an Order  
Under 28 U.S.C. § 1782 to  
Conduct Discovery for Use in Foreign Proceedings.

Case No. \_\_\_\_\_

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**EX PARTE APPLICATION FOR AN ORDER UNDER 28 U.S.C. § 1782  
TO CONDUCT DISCOVERY FOR USE IN A FOREIGN PROCEEDING**

Based upon the concurrently filed Memorandum of Law, Declaration of Tab K. Rosenfeld (“Rosenfeld Declaration”) with accompanying exhibits, and Declaration of Bambos Tsiattalou (“Tsiattalou Declaration”) with accompanying exhibits, Applicant Karam Salah Al Din Awni Al Sadeq (“Mr. Al Sadeq” or “Applicant”), pursuant to 28 U.S.C. § 1782 and Federal Rules of Civil Procedure 26 and 45, respectfully requests that this court grant an Order in the form attached as Exhibit D to the Rosenfeld Declaration granting Mr. Al Sadeq leave to serve the subpoena annexed to the Rosenfeld Declaration as Exhibit C. Applicant requests that the Court grant such leave *ex parte*.

The requested relief is for the purpose of obtaining limited, but necessary, discovery in aid of a civil proceeding initiated by the Applicant and currently pending in the High Court of Justice of England and Wales, Queen’s Bench Division captioned: Karam Salah Al Din Awni Al Sadeq v. Dechert, LLP, Neil Gerrard, David Hughes, and Caroline Black, Claim No. QB-2020-000322 (the “Foreign Proceeding”). In the Foreign Proceeding, Mr. Al Sadeq alleges that the defendants Dechert, LLP (“Dechert UK”), Neil Gerrard (“Gerrard”), David Hughes (“Hughes”), and Caroline Black (“Black”), committed a serious wrongs against him in the course of an investigation undertaken by them, at the behest of the Ruler of Ras Al Khaimah (“RAK”), into alleged fraud committed by Dr. Khater Massaad (“Dr. Massaad”) and others, including Mr. Al. Sadeq, against

their former employer, the RAK Investment Authority (“RAKIA”). Al Sadeq has brought claims against the defendants in the Foreign Proceeding for breaches of UAE criminal law and procedure, the UAE Constitution, and breach of his human rights as a matter of UAE and international law, and has sought damages stemming from, *inter alia*, his severe psychological and physical harm, pain and suffering, financial losses, and damage to reputation.

The Foreign Proceeding is ongoing, and Mr. Al Sadeq is engaged in the process of seeking information and documents to substantiate his Claim. As set forth in the accompanying Rosenfeld Declaration and Tsiattalou Declaration, Gerrard testified in a separate Court proceeding that he reported to the Policy Committee of the US-based Dechert, LLP (“Dechert US”) concerning the investigation into alleged fraud perpetrated against RAKIA. It is believed that Dechert US has information, documents, and material concerning Gerrard’s meetings with Dechert US’ Policy Committee concerning the defendants’ investigation, communications and meetings among members of the Dechert US Policy Committee concerning the defendants’ investigation, and any investigation by Dechert US into the actions undertaken by the defendants in the course of their investigation.


The Applicant here meets all the statutory criteria for the issuance of an order allowing the requested discovery under 28 U.S.C. § 1782. The documents and testimony sought are directly relevant to the core issues in the Foreign Proceeding. As plaintiff in the Foreign Proceeding, Applicant is an “interested person.” The target of this discovery—Dechert US—is located within this District. Moreover, as set forth in Applicant’s Memorandum of Law filed simultaneously herewith, the discretionary factors to be considered favor granting this application. See Intel Corp. v. Advanced Micro Devices, Inc., 542 U.S. 241, 264-65 (2004) (describing discretionary factors).

Applicant must obtain these materials as soon as possible for use in the ongoing Foreign Proceeding.

For these reasons, Mr. Al Sadeq respectfully requests that this Court grant his Application for an order granting him leave to serve the named witness with the subpoena attached to the Rosenfeld Declaration as Exhibit D.

Dated: New York, New York  
July 31, 2020

**ROSENFELD & KAPLAN, LLP**

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